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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,844	01/04/2002	Stephen J. Brockman	TLT0002-01	4142

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BARNES & THORNBURG  
11 SOUTH MERIDIAN STREET  
INDIANAPOLIS, IN 46204

EXAMINER

TAYLOR, BARRY W

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/035,844	<b>Applicant(s)</b> BROCKMAN ET AL.	
	<b>Examiner</b> Barry W. Taylor	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-22, 31-53 and 62-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleischer, III et al (5,799,073 hereinafter Fleischer) in view of Driskell et al (6,072,493 hereinafter Driskell) and Kam et al (6,968,320 hereinafter Kam).

Regarding claims 1, 31 and 62. Fleischer teaches method and system for analyzing telecommunications data relating to a business entity using business entity aggregation criteria (abstract, col. 4 line 9), comprising:

obtaining telecommunications data relating to the business entity (col. 1 lines 6-15, col. 3 lines 21-46, col. 4 lines 39-61, column 5, col. 8 lines 60-67, col. 11 lines 16-67, col. 12 lines 12-38, col. 14 lines 47-64, columns 16-25);

aggregating the telecommunications data according to business entity aggregation criteria (col. 1 lines 6-15, col. 3 lines 21-46, col. 4 lines 39-61, column 5, col. 8 lines 60-67, col. 11 lines 16-67, col. 12 lines 12-38, col. 14 lines 47-64, columns 16-25).

Fleischer does not explicitly show obtaining from a plurality of telecommunications providers.

Driskell teaches system and method for associating services information with selected elements of an organization (title, abstract, and col. 1 lines 12-48) enabling users having a corporation the ability to break down cost into service categories correlated to multiple service providers (col. 1 line 49 – col. 2 line 56, col. 3 lines 1-23, lines 44-48, lines 57-60, col. 6 lines 28-37, col. 6 line 52 – col. 7 line 4, col. 8 line 63 – col. 9 line 26, col. 9 lines 55-58, col. 10 lines 38-49, col. 11 lines 4-58, col. 12 lines 11-60, col. 13 lines 41-52, col. 15 lines 6-28, col. 16 line 32 – col. 18 line 9, col. 21 lines 19-30, col. 22 lines 24-32, col. 25 lines 50-56, col. 26 line 58 – col. 27 line 12) so that corporation may be able to forecast a budget for an upcoming fiscal year or spread certain charges by selected percentages across elements, members or departments of the organization (col. 23 lines 1-52). Driskell teaches correlating calls/minutes/dollars for each NPA-NXX serviced by different service providers (col. 27 line 27-58).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Fleischer to associate service information from multiple service providers as taught by Driskell for the benefit of further breaking down cost into service categories correlated to multiple services providers enabling a corporation to accurately forecast a budget for an upcoming fiscal year.

According to Applicant, Driskell fails to check for errors before forecasting budget for upcoming year (see Amendment to claims and remark on page 14, paper dated 11/2/050).

Kam also teaches a data management method and system to more accurately bill a customer for telephone services provided (title, abstract) wherein invoices are first checked for errors (col. 2 lines 29-35, col. 3 lines 19-28, col. 5 line 52 – col. 7 line 65).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Fleischer in view of Driskell to first check for errors as taught by Kam so that companies can more accurately forecast their budget for the upcoming year.

Regarding claims 2, 4-8, 32-33, 35-39, 63, and 65-69. Fleischer teaches usage data (see total calls for the reporting period in abstract, columns 3-5, columns 13 line 60 – column 18, col. 19 line 20 – col. 24 line 58).

Regarding claims 3, 9-13, 34, 40-44, 64 and 70-74. Fleischer teaches cost data (columns 3-5, columns 13 line 60 – column 18, col. 19 line 20 – col. 24 line 58).

Regarding claims 14, 45 and 75. Fleischer teaches translations stored (col. 10 line 44, col. 11 line 42).

Regarding claims 15-22, 46-53 and 76-83. Fleischer teaches selecting at least one business entity aggregation criteria (see total calls for the reporting period in abstract, columns 3-5, columns 13 line 60 – column 18, col. 19 line 20 – col. 24 line 58). Driskell also allows user to select at least one business entity aggregation criteria (col. 30 line 24 – col. 31 line 61).

2. Claims 23-30, 54-61 and 84-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleischer, III et al (5,799,073 hereinafter Fleischer) in view of Driskell et al (6,072,493 hereinafter Driskell) and Kam et al (6,968,320) further in view of Nolting et al (6,721,405 hereinafter Nolting).

Regarding claims 23-30, 54-61 and 84-91. Fleischer in view of Driskell and Kam fail to show performance data.

Nolting also teaches monitoring and analysis of interconnect traffic stored in relational database allowing for Local Exchange Carrier (LECS) to engineer upgrades to provide cost effective service for the traffic to and from other carrier's network (abstract and figure 1, col. 1 lines 13-18, col. 2 lines 63-65, col. 3 lines 28-54, col. 4 lines 11-48, col. 5 lines 33-47). Nolting discloses the relational database is processed and uploaded to a multi-dimensional database supplemented with reference data and where necessary spreading or binning the data (col. 6 lines 40-67) and the multi-dimensional database provides on-line analytical processing tools for call data and offers an efficient

GUI, preferably a web site (col. 6 line 63 – col. 7 line 20). Nolting discloses calculating jurisdictional calling factors such as percentage based and using other applications such as ISP finder application that identify numbers having large volume of incoming calls with long average hold time (column 7). Nolting teaches using data from plurality of carriers (col. 7 line 44 – col. 8 line 60, col. 9 line 58 – col. 10 line 64, col. 10 line 65 – col. 11 line 67, col. 12 lines 1-18, columns 20-27).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Fleischer in view of Driskell and Kam to collect telecommunication data between carriers as taught by Nolting for the benefit of allowing carrier to understand the distribution of the traffic that goes between these networks, in order to forecast and build the network in the most economical manner.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-91 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**BARRY TAYLOR**  
**PRIMARY EXAMINER**